

**Derenzo and Associates, Inc.**

*Environmental Consultants*

October 16, 2008

Mr. Syed Arif, P.E.  
Bureau of Air Regulation  
Division of Air Resource Management  
Department of Environmental Protection  
STATE OF FLORIDA  
2600 Blair Stone Road, MS 5505  
Tallahassee, FL 32399-2400

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BUREAU OF AIR REGULATION

Subject: Brevard Energy, LLC  
Air Construction Permit ~~090069-004-AC (PSD-FL-378)~~  
Non-applicability of Subpart ZZZZ  
Request for permit modification  
*File - 0090069-006-AC (PSD-FL-378A)*

Dear Mr. Arif:

Derenzo and Associates, Inc. (on behalf of Brevard Energy, LLC) is submitting this document to the Florida Department of Environmental Protection (FDEP) Division of Air Resource Management (DARM) to request that modifications be made to Air Construction Permit 090069-004-AC (PSD-FL-378) issued the facility by the regulatory agency in order to remove 40 CFR Part 63, Subpart ZZZZ (Subpart ZZZZ) as an applicable requirement.

**SUBPART ZZZZ APPLICABILITY**

40 CFR Part 63, Subpart ZZZZ (Subpart ZZZZ) specifies that:

*You are subject to this subpart if you own or operate a stationary RICE at a major source of HAP emissions ...*

*A major source of HAP emissions is a plant site that emits or has the potential to emit any single HAP at a rate of 10 tons ... or more per year or any combination of HAP at a rate of 25 tons ... or more per year ...*

*This subpart applies to each affected source ... An affected source is any existing, new or reconstructed stationary RICE with a site-rating of more than 500 brake horsepower located at a major source of HAP emissions ... (40 CFR 63.6590)*

An affected source (new or reconstructed stationary RICE) which combusts landfill gas equivalent to 10 percent or more of the gross heat input on an annual basis must meet the initial notification requirements of ... (40 CFR 63.6590).

40 CFR Part 63.9 (General Conditions) specifies under *Initial notifications* that the

requirements of this paragraph apply to the owner or operator of an affected source when the source becomes subject to the relevant standard.

Information previously submitted to the FDEP-DARM specified that the landfill stationary source is not a major source of HAPs. The Technical Evaluation that was performed by the FDEP-DARM in support of the issued Air Construction Permit states that the maximum HAP emissions will be limited to less than the major facility thresholds.

Therefore, the landfill (Brevard County Solid Waste Management Central Disposal Facility) and power plant operations are not an affected source that is subject to any of the Subpart ZZZZ requirements (including the initial notification requirement since it is not an affected source).

The New Source Performance Standards (NSPS) issued on January 18, 2008 for Spark Ignition Internal Combustion Engines and National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines revised Subpart ZZZZ in order to address HAP emissions from new and reconstructed stationary RICE less than or equal to 500 HP located at major sources and new and reconstructed stationary RICE located at area sources. These revisions do not change the non-applicability of Subpart ZZZZ to the operations performed at the landfill stationary source.

### **SPECIFIC PERMIT PROVISIONS**

The following provisions of Air Construction Permit 090069-004-AC reference the applicability of Subpart ZZZZ that needs to be removed from the document.

Section I – Facility Information Regulatory Classifications

Section III – Emission Unit(s) Specific Conditions

Subsection A. Specific Conditions

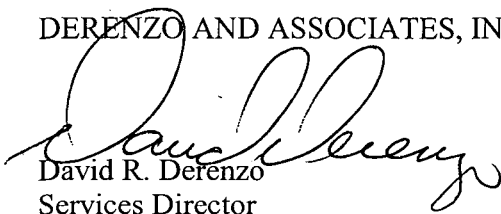
A. Fuel Specifications and Work Practices, 3.

Brevard Energy, LLC appreciates the consideration of the FDEP-DARM of the information that is presented in this document.

Please contact me if you have any questions or require clarifications.

Sincerely

DERENZO AND ASSOCIATES, INC.



David R. Derenzo  
Services Director

c: Mike Laframboise, Brevard Energy  
Bill Owen, Brevard Energy